

## **REMARKS**

The specification has been amended to recite the claim to priority. Specifically, the specification has been amended to indicate that the present application is a continuation of Application Serial No. 09/835,241, filed April 12, 2001, now abandoned, which is a continuation of Application Serial No. 08/950,815, filed October 15, 1997, now abandoned.

Claims 1-23 were pending in this application. Claims 21-23 have been allowed. Claims 1-20 have been canceled. Applicants reserve the right to prosecute the subject matter of the non-elected claims in one or more continuing applications. Claim 21 has been amended to include the abbreviations for dissolved solids, glucose oxidase units and catalase units. New claims 24-39 have been added to clarify that which Applicants regard as the invention. Specifically, new claims 24-39 correspond to old claims 2-15 and 18-19, but are dependent upon allowed claim 21. Support for the amendments and new claims can be found in the specification, for example, at page 4, lines 6-29, page 4, line 35 to page 5, line 11, and page 5, lines 22-29. No new matter has been added by these amendments. After entry of the present amendment, claims 21-39 will be pending.

Entry of the foregoing amendments and consideration of these remarks is respectfully requested.

### **I. THE REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH, SHOULD BE WITHDRAWN**

Claim 17 has been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner contends that claim 17 is rendered vague and indefinite by the phrase “A spray-granulated gluconic acid granulate produced by the process of claim 16” because there is lack of antecedent basis for a spray-granulated gluconic acid granulate.

As claim 17 has been canceled, this rejection has been rendered moot. Thus, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

### **II. THE REJECTION UNDER 35 U.S.C. § 102/103 SHOULD BE WITHDRAWN**

Claims 1-16 and 18-20 were rejected under 35 U.S.C. § 102(b) or § 102(e), respectively, as allegedly being anticipated by, or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over Vroemen et al. (WO95/33631) or Vroemen et al. (U.S. 5,897,995).

As claims 1-16 and 18-20 have been canceled, this rejection has been rendered moot. Thus, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102/103.

**III. THE REJECTION UNDER 35 U.S.C. § 103 SHOULD BE WITHDRAWN**

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Vroemen et al. (WO95/33631) or Vroemen et al. (U.S. Pat. No. 5,897,995), in view of Bonewitz et al. (U.S. Pat. No. 2,804,432) or Bonewitz et al. (U.S. Pat. No. 2,767,146).

As claims 1-20 have been canceled, this rejection has been rendered moot. Thus, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103.

**CONCLUSION**

Applicants respectfully request that the foregoing amendments and remarks be entered and made of record in the present application. Withdrawal of all of the rejections and consideration of the amendments are requested. Applicants believe all the remaining claims are allowable as the new claims depend from an allowed claim. An allowance of the application is earnestly sought. If any issues remain, the Examiner is respectfully invited to telephone the undersigned.

Respectfully submitted,

Date: February 7, 2005

  
Thomas E. Friebel 29,258  
(Reg. No.)  
**JONES DAY**  
222 East 41<sup>st</sup> Street  
New York, NY 10017  
(212) 326-3939